



STATE OF WASHINGTON

STATE BUILDING CODE COUNCIL

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MINUTES LEGISLATIVE COMMITTEE CONFERENCE CALL MEETING

Date: January 22, 2009
Monitor Site: 3rd Floor Conference Room, Raad Building
128 10th Avenue SW, Olympia

Legislative Committee Members Present: John Neff, Vice Chair; John Chelminiak; Kristyn Clayton; John Cochran; Peter DeVries

Legislative Committee Members Absent: Pat McBride, Jon Napier

Staff Present: Tim Nogler, Krista Braaksma, Sue Mathers

CALL TO ORDER

John Neff, acting as Chair in the absence of Pat McBride, called the meeting to order at 3 p.m. John welcomed everyone. Introductions were made.

REVIEW AND APPROVE AGENDA

The agenda was reviewed and approved as written.

LEGISLATION UPDATE

HB 1069 –Light pollution

John Neff said this bill received a hearing last Thursday. Among opposing testimony from such recreational providers as Qwest Field and Safeco Field, one of the biggest concerns that surfaced was that the Department of Transportation doesn't want public rights of way in the bill. It's a traffic engineering issue from their perspective.

John said the prime sponsor, Representative Hunt, called a work session on this bill for tomorrow morning at 8 a.m. The possibility exists that HB 1069 will be turned into a study, somewhat similar to the Residential Fire Sprinkler Systems TAG study, to bring interested parties together and work out a compromise. Despite some interest, John said the bill is basically dead in its current form. Tim Nogler asked if John Neff thinks turning the bill into a study will be suggested at tomorrow's work session. Yes, John thinks it will be suggested.

The Council voted on January 9 to oppose HB 1069.

John Neff said tomorrow's work session will have options, one of which has the Council leading a study group for everything installed outside of public rights of way. The Department of Transportation, cities and counties will look at rights of way.

Kristyn said her main objection to this bill is because it clearly says that the Council and building officials have to show preference to new technology. She said that's a fatal flaw. Other members agreed.

HB 1187 – Solar water heating systems

John Neff said HB 1187 received a hearing this morning. Tim said he attended the hearing. He said Representative Chase spoke about the bill. She was accompanied at the hearing by some proponents who design solar water heating systems.

Tim said this bill mandates a solar hot water heater in all newly constructed homes. It specifies that the State Building Code Council will write the standard for installing solar water heaters. There was significant opposition at the hearing, from the Association of Washington Cities, the Washington Association of Building Officials and the American Institute of Architects. In addition, homebuilders testified about their green building program. Tim said AIA and AGC homebuilders testified against this as a mandatory requirement.

Kristyn asked why architects opposed the bill. Tim said Stan Bowman spoke about needing flexibility and against having a mandatory requirement that may or may not be effective.

John Cochran referred to exemptions listed in the Bill Tracking Log, specifically "poor solar resources." He asked if that includes the lack of sunlight during winter months. John Neff said he provided information on the exemptions during writing of the fiscal note. He said there are six or seven exemptions to HB 1187, but a study is required for exemption justification. An example of "poor solar resources" would be a home located at the base of a tall mountain, where the mountain blocks solar access. Tim said one of the homebuilders' objections was impact on natural resources, such as standing timber blocking sunlight.

John Neff said the bill provides a cost benefit analysis based on the average residential heating bill, which isn't defined.

Peter DeVries spoke against mandating solar. He said it should be an option, rather than required.

Tim said IAPMO testified about their solar energy code. The Council may use that model code to develop a standard for installing solar water heaters.

Tim said he talked to Stan Bowman, who said AIA has a bill that has yet to be introduced. It takes a broader approach to energy conservation than HB 1187. Tim said he'll send members the AIA bill as soon as it's introduced. Their bill calls for the Council to adopt an energy code that achieves a net zero energy building by 2030, after progressing through seven steps. Kristyn said she's seen that draft bill. Tim said the bill calls for the Council to pair with CTED's Energy Policy to convene a group to develop a strategy to achieve net zero by 2030. Kristyn said Council support of that bill would be appropriate. She supports flexibility in attaining net zero rather than a prescriptive approach.

It was agreed the Council's position on HB 1187 is neutral monitoring.

HB 1333 – Carbon monoxide alarms

John Neff said this bill is basically moot, because its provisions are included in the new IRC. Tim said the Council hasn't adopted that document yet. Krista said the difference is that HB 1333 requires carbon monoxide alarms in exiting rentals, in addition to newly constructed buildings.

John Cochran said he's inclined to support this bill. He said the alarms aren't expensive. John Neff asked where the pollutant source is, since apartments are typically 100 percent electric. Since it affects new construction, John Neff said it should be regulated by the State Building Code Council rather than by the State Fire Marshal's Office.

John Cochran noted that the IRC doesn't regulate apartments. John Neff agreed. He said this bill amends current law that requires every landlord to require a smoke detector in every rental unit. It was noted there are combination smoke detector/carbon monoxide units.

John Chelminiak asked if local governments are responsible for inspecting rental units. John Neff said local governments don't currently inspect for smoke detector installation and maintenance in rental units.

John Neff asked what position the Council should take about HB 1333. Peter said he thinks the bill should be monitored. He doesn't feel it's appropriate to oppose this bill. A neutral position, simply monitoring this bill, was the consensus.

HB 1497 – Eliminating boards and commissions

John Neff said he has been hearing rumors that several legislative leaders and/or the Governor's Office would be introducing legislation to eliminate certain small boards and commissions. He said one way to open communication about the concept is to introduce a bill. Tim said this bill was introduced independently from the Governor's Office. She will be introducing another bill.

In her inaugural address, the Governor said there are too many boards and commissions; and she favors eliminating some of them as a cost-saving measure.

John Chelminiak offered to question Representative Hunter about HB 1497. He noted eliminating boards and commissions involves lots of political strategy.

Tim said HB 1497 eliminates one section of the building code act, Council membership, travel and expenses. While Council membership is eliminated, all Council duties remain unchanged. Tim said the eliminated section represents a minority of the Council budget. Everyone wondered how the Council can do its business without members.

Tim said no hearing is scheduled yet on this bill. Staff will track both HB 1497 and the bill introduced by the Governor's Office.

HB 1481 – Electric vehicles

John Neff said he hasn't had time to really study the bill, but he said the City of Lacey has been looking at the concept of having electrical outlets in parking lots. John Cochran said this bill goes beyond that, requiring all vehicles to be electric hybrids.

Kristyn said she thinks it's a good idea to have plug-ins in commercial garages. Krista Braaksma said the bill requires a plug-in at every parking space.

Peter wondered if all electric vehicles are of the same voltage. John Chelminiak said he's pretty sure they're all 110. John Neff thought they can be either 110 or 220, depending upon the length of time needed to recharge them. John Chelminiak suggested Peter contact Ron Johnson Rodriguez at the Chelan Court District for more information. He said they're doing lots of work regarding electric vehicle infrastructure. Peter cautioned that one manufacturer coming out with a different voltage destroys the whole infrastructure.

John Chelminiak said electric vehicles are coming, and they're a fascinating subject. He's had some discussions with Deb Eddy, the prime sponsor of this bill, and been impressed by her knowledge of the topic. John Chelminiak's also attended a couple conferences about electric vehicles.

Tim said two sections of HB 1481 relate directly to the Council. It has the Council adopting rules to establish an electric vehicle infrastructure. Tim questioned whether the Council is the appropriate body for that; perhaps it should be the Electrical Section of the Department of Labor and Industries. Section 20 of the bill states:

Consistent with rules adopted under section 24 of this act, all new parking garages, parking lots, retail over twelve thousand square feet, office buildings, multifamily housing, and single-family homes must be constructed with the electric circuitry required to support electric vehicle charging infrastructure for every parking space.

Kristyn said the bill has a huge cost impact based on that. John Chelminiak agreed, using Home Depot's parking lot as an example.

It was agreed the bill is too much, too soon. Kristyn said it would be better to phase it in with a percentage of the parking spaces having an electrical plug-in. John Cochran said the bill talks about phasing in the transition to electric vehicles on page 5. John Chelminiak said he believes the electric car industry would label this bill as overkill. Kristyn agreed. John Neff said it initiates discussion. John Chelminiak agreed that's probably Deb Eddy's intent.

John Neff said a good Council position is having concerns with this bill. However he said politically the position is to support energy conservation and green issues. Tim said the hearing on this bill is scheduled for next Thursday at 10 a.m., the same time as the Council conference call. Krista noted the companion Senate bill will be heard on the following day.

John Cochran said he'll try to get information from his brother-in-law, who runs the State of Florida's fleet services.

Other Bills of Interest

SB 5120 – Agricultural structures

John Neff said this bill was scheduled for a hearing. However it got pulled and hasn't been rescheduled. SB 5120 doesn't really involve the Council.

John Chelminiak said he opposes the state capping permit fee revenue received by local governments. Peter agreed. John Neff said the Association of Washington Counties has been vocal in its opposition of this issue.

SB 5148 – Vesting

Tim said he's heard this bill won't go anywhere. John Neff agreed.

HB 1366/SB 5278 – Boilers and pressure vessels

John Neff said he talked with Linda Williamson, the Chief Boiler Inspector at the Department of Labor and Industries, who told him this bill is simply a technical cleanup. She said it doesn't involve domestic water heaters, which are already exempted under an earlier section of the statute.

ADJOURNMENT

Lacking further business, Chairman Neff adjourned the meeting at 3:41 p.m.